

Remarks

Claims 2-4 and 7-26 are pending in this application. Claims 2 and 21 have been amended in various particulars as indicated hereinabove.

Claims 2-4, 7-15, 17-18 and 20-26 were rejected under 35 U.S.C. 102(e) as being anticipated by Moskowitz (U.S. 2003/0200439). In a related rejection, claims 16 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Moskowitz as applied to claims 2 and 15 above, and furthering in view of Jennings *et al.* (US 2002/0099842).

These rejections are respectfully traversed for the following reasons.

Claims 2 and 21 have been amended to describe how the content tag is created and associated with the content. For example, claim 2 requires that the tag is created and associated with the content file transmission at the location where the content file transmission is originally published by an owner of the content, the owner being an entity that is authorized to distribute the content. This so tagged content is then distributed in the peer-to-peer network with the tag.

In contrast, Moskowitz system relies on the sender peer node to insert its "watermark". Using such a system, and given that in a peer-to-peer distribution network, in which the peer nodes have no economic incentive to enforce watermarks, there is no way to enforce watermarking of the content being sent and received. In short, the Moskowitz system requires the sender and/or receiver peer nodes to be active participants in the watermarking or the certificate management.

In contradistinction, in the present claimed system, the owner creates the content tags and embeds them in the content itself, once. Then, the content gets distributed between peer nodes in the peer-to-peer network with those content tags.

The present claims thus address technical and non-technical flaws not contemplated by applied references. Moskowitz puts the burden of watermarking on the peer/sender of the content. In a peer-to-peer network, there are thousands and even

millions of participating senders and receivers sharing millions of content files—making enforcement problematic. Instead, with the present system, a publisher places tagged content into the peer-to-peer network, and since the tags are associated with the actual content, the tags remain independent of the senders and receivers. Thus, in the present system, the tags are embedded and controlled by entities that have an interest in the content and its proper dissemination.

For these reasons the present claims are considered to be patentably distinguishable over the applied references.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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